

**Caption in Compliance with D.N.J. LBR 9004-2(c)**

46803

Morton & Craig LLC

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Financial



Order Filed on September 17, 2018  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

In Re:

DARRYL B. MONTICELLO

Case No.: 16-25565

Adv. No.:

Hearing Date: 8-8-18

Judge: KCF

**ORDER FOR MONTHLY PAYMENTS AND STAY RELIEF UNDER CERTAIN  
CIRCUMSTANCES**

The relief set forth on the following pages, numbered two (2) is hereby **ORDERED**.

**DATED: September 17, 2018**

A handwritten signature in black ink, appearing to read "Kathryn C. Ferguson".  
\_\_\_\_\_  
Honorable Kathryn C. Ferguson  
United States Bankruptcy Judge

**Darryl B. Monticello**

**16-25565(KCF)**

**Order Providing for Monthly Payments for Stay Relief under Certain Circumstances**

**Page 2**

This matter having been brought on before this Court on creditor's certification of default filed by John R. Morton, Jr., Esq., attorney for Ally Servicing LLC, servicer for Ally Financial, with the appearance of Marc Capone, Esq. on behalf of the debtor, and this order having been filed with the Court and served upon the debtor and his attorney and the non-filing co-debtor, Kristine Monticello under the seven day rule with no objections having been received as to the form or entry of the order, and for good cause shown;

IT IS ORDERED:

1. That Ally Servicing LLC is the servicer for Ally Financial, the holder of a first purchase money security interest encumbering a 2012 Honda Odyssey bearing vehicle identification number 5FNRL5H68CB072171 (hereinafter the "vehicle").
2. **Curing arrears:** The debtor shall make the July retail installment contract to Ally by 8-10-18 and the August payment by 8-31-18. If the debtor fails to make either payment on those dates, Ally Servicing LLC, servicer for Ally Financial shall receive stay relief as to the debtor and non-filing co-debtor, Kristine Monticello to repossess and sell the vehicle by filing a certification of nonpayment and serving it upon the debtor, his attorney and the non-filing co-debtor.
3. After curing arrears, the debtor shall make all retail installment contract payments to Ally Servicing LLC, servicer for Ally Financial when due, being the 8<sup>th</sup> day of each month. In the event the debtor fails to make any payment for a period of 30 days after it falls due, Ally Servicing LLC, servicer for Ally Financial shall receive stay relief as to the debtor and non-filing co-debtor, Kristine Monticello to repossess and sell the vehicle by filing a certification of nonpayment and serving it upon the debtor, his attorney and the non-filing co-debtor.
4. The debtor shall maintain insurance on the vehicle in accordance with the terms of the retail installment contract. In the event of a lapse of insurance for any period of time without intervening coverage, Ally Servicing LLC, servicer for Ally Financial shall receive stay relief as to the debtor and non-filing co-debtor, Kristine Monticello to repossess and sell the vehicle by filing a certification that insurance has lapsed with the court and serving it upon the debtor, his attorney and the non-filing co-debtor.
5. The debtor shall pay to Ally Servicing LLC, servicer for Ally Financial through the plan, a counsel fee of \$350 which shall be paid by the trustee as an administrative priority expense.



Certificate of Notice Page 4 of 4  
United States Bankruptcy Court  
District of New Jersey

In re:  
Darryl B. Monticello  
Debtor

Case No. 16-25565-KCF  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Sep 17, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 19, 2018.

db Darryl B. Monticello, 419 Arbutus Dr, Point Pleasant Beach, NJ 08742-3102

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 19, 2018

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 17, 2018 at the address(es) listed below:

Albert Russo docs@russotrustee.com

Denise E. Carlon on behalf of Creditor The Bank of New York Mellon as Trustee for CWABS, Inc. Asset-Backed Certificates, Series 2006-11 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Denise E. Carlon on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, SOLELY AS TRUSTEE HEREUNDER AND NOT IN ITS INDIVIDUAL CAPACITY FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED CERTIFICAT dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

John R. Morton, Jr. on behalf of Creditor Ally Capital ecfmail@mortoncraig.com, mortoncraigecef@gmail.com

John R. Morton, Jr. on behalf of Creditor Ally Financial ecfmail@mortoncraig.com, mortoncraigecef@gmail.com

John R. Morton, Jr. on behalf of Creditor Ally Servicing LLC ecfmail@mortoncraig.com, mortoncraigecef@gmail.com

Marc C. Capone on behalf of Debtor Darryl B. Monticello mcapone@caponeandkeefe.com, docs@caponeandkeefe.com

Rebecca Ann Solarz on behalf of Creditor The Bank of New York Mellon as Trustee for CWABS, Inc. Asset-Backed Certificates, Series 2006-11 rsolarz@kmlawgroup.com

Rebecca Ann Solarz on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, SOLELY AS TRUSTEE HEREUNDER AND NOT IN ITS INDIVIDUAL CAPACITY FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED CERTIFICAT rsolarz@kmlawgroup.com

TOTAL: 9